

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ATHANASIOS VLAHOPOLOUS, AND
ELIZABETH VLAHIPOLOUS, as sole guardian
of the infant minor ATHANASIOS
VLAHOPOLOUS, born on December 13, 2002,

Plaintiffs,

-against-

ROSLYN UNION FREE SCHOOL DISTRICT,
et. al,

Defendants.

ORDER
CV 21-0063 (ARL)

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LINDSAY, Magistrate Judge:

Defendants Roslyn Union Free School District, Scott Andrews, and Christopher Roth (“Defendants”) have requested permission to file a motion to dismiss and for attorneys’ fees under Federal Rule of Civil Procedure (“Rule”) 41(b) and 37(b) (d) due to Plaintiff’s failure to prosecute and comply with Court orders. ECF Nos. 50 and 51. Plaintiffs have not responded to this request. Defendants have also requested an extension of time to complete discovery in the event this action is not dismissed.

Defendants are granted permission to make a motion for attorneys’ fees associated with the making of the instant motion.

As set forth in this Court’s Order of February 28, 2022, Plaintiffs have an obligation to make initial disclosures pursuant to Rule 26(a). In the February Order, Plaintiffs were given an extension of time to comply with this requirement. The deadline set by the Court has come and gone and Plaintiffs have continued to disregard their obligation under the Federal Rules. Plaintiffs have been notified of the consequences that would result from a continued failure to comply with the discovery obligations several times and yet they continue to fail to abide by the

Rule 26 disclosure deadlines set by this Court. Such conduct could easily support a dismissal of Plaintiff's claims for failure to prosecute. *See, e.g., Henderson v. Levy*, No. 15-CV-802-RJA-MJR, 2019 U.S. Dist. LEXIS 34211 (W.D.N.Y. Feb. 25, 2019); *Canales v. Sheahan*, No. 12-CV-693(LJV)(HBS), 2019 U.S. Dist. LEXIS 23630 (W.D.N.Y. Feb. 13, 2019) (granting motion to dismiss for failure to prosecute based upon plaintiff's failure to provide initial disclosures); *Galper v. ARS Nat'l Servs., Inc.*, No. 18CV2753, 2018 U.S. Dist. LEXIS 207003, 2018 WL 6381459, at *2 (E.D.N.Y. Dec. 3, 2018) (All favors weighted in favor of dismissal where, among other things, the plaintiff's "inaction has continued even in the face of repeated warnings that such behavior could result in the dismissal of his claim.").

Plaintiffs are given one final opportunity to provide initial disclosures to Defendants. Plaintiffs shall serve their initial disclosures no later than April 27, 2022. Counsel for Plaintiffs is directed to serve a copy of this Order on his Plaintiffs and file a certificate of service forthwith. Counsel for Defendants is directed to file a Status Report on May 2, 2022 advising the Court as to whether the Initial Disclosures have been received.

Plaintiffs are hereby warned that a failure to comply with this Order may result in the dismissal of this Action for failure to prosecute.

Dated: Central Islip, New York
April 14, 2022

SO ORDERED:

_____/s_____
ARLENE R. LINDSAY
United States Magistrate Judge